

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH GRAY,

Plaintiff,

v.

ORDER

RANDALL R. HEPP, EDWARD F. WALL,
JOHN MAGGIONCALDA, and STEVE BETHKE,

18-cv-958-jdp

Defendants.

Plaintiff Kenneth Gray, appearing pro se, alleges that defendant prison officials subjected him to unsafe drinking water at Fox Lake Correctional Institution (FLCI) when he was incarcerated there.

I previously screened Gray's complaint and addressed his motion to join his case with a multiple-plaintiff lawsuit about the FLCI water currently proceeding before me, *Stapleton v. Hepp*, No. 16-cv-406-jdp. See Dkt. 16. Gray said that he originally brought his claims in state court, but that the parties agreed to Gray voluntarily dismissing the case for the purpose of refiling the lawsuit here and having Gray's claims added to the *Stapleton* case. See Dkt. 1-3 (order dismissing the state-court lawsuit). The state court stated that if I did not allow Gray to join the *Stapleton* case, Gray could refile his lawsuit in state court. *Id.* at 2.

I concluded that the *Stapleton* case had progressed too far to consider adding Gray's claims to that case, and I gave him a chance to explain whether he wished to have this case stayed pending the resolution of *Stapleton* or voluntarily dismiss the case to refile it in state court. Dkt. 16, at 4. Gray did not respond to my order. But counsel representing the plaintiffs in *Stapleton* filed a second amended complaint adding Gray as a plaintiff, Dkt. 87 in the

Stapleton case, under which the parties are currently proceeding. Because the lawsuit under this case number is now redundant to *Stapleton*, I will dismiss this case.

ORDER

IT IS ORDERED that this case is DISMISSED without prejudice.

Entered July 2, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge